



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# **Small Business Economic Impact Statement**

For proposed changes to  
Chapter 173-303 WAC

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*Dangerous Waste Regulations*

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## Publication and Contact Information

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# **Small Business Economic Impact Statement**

## **Proposed changes to Chapter 173-303 WAC**

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### *Dangerous Waste Regulations*

Hazardous Waste and Toxics Reduction Program  
Washington State Department of Ecology  
Olympia, Washington 98504-7600



# Table of Contents

Conclusion .....	1
Purpose for this analysis .....	1
Background .....	1
Purpose for rule proposal.....	1
Comparison of the current and proposed rules.....	2
Current rule requirements.....	2
Description of proposed changes.....	2
Financial Assurance Requirements for CFC Recyclers .....	2
Permit Application Public Exposure Information .....	3
The NAICS codes for the affected businesses .....	3
Clarifications to existing rule.....	3
Exemptions from analysis .....	3
Appendix 1 .....	5



## Conclusion

Based on research and analysis required by the Regulatory Fairness Act (RCW 19.85.011), the Washington State Department of Ecology (Ecology) has determined that the proposed amendments to Chapter 173-303 WAC, *Dangerous Waste Regulations* do not have a disproportionate impact on small business<sup>1</sup> compared to large businesses. Ecology found that the rule amendments will not adversely affect any small businesses.

## Purpose of this analysis

Ecology is proposing to amend the dangerous waste rules. RCW 19.85.011 requires Ecology to show we have considered the impacts of the rule on small businesses in comparison to large businesses. This report provides the results of these analyses and shows the potential impacts associated with the proposed rule.

## Background

In Washington, dangerous wastes include hazardous wastes (listed, flammable, corrosive, reactive, or toxic) regulated by the federal government and other types of wastes captured by Washington's rules because they are toxic or persistent. The state laws authorizing Ecology to propose changes to the dangerous waste rules are:

The Hazardous Waste Management Act (Chapter 70.105 RCW)

The Hazardous Waste Cleanup-Model Toxics Control Act (Chapter 70.105D RCW).

## Purpose for rule proposal

The purpose of this rulemaking is to update the dangerous waste rules to stay current with the federal rules. By staying current with the federal program, the regulated community has primarily one environmental agency to work with. Another purpose is to update state requirements.

The proposed amendments to the dangerous waste rules will incorporate several federal hazardous waste rules and add some state-only requirements, including:

- Update manifest requirements (federal).
- Updates to the biological and chemical testing methods (state-only).

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<sup>1</sup> "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees.

- Merging universal waste rules for mercury-containing devices and mercury thermostats (federal).
- Incorporating some of the Environmental Protection Agency's (EPA) Burden Reduction Initiative rule (federal).
- Delete the exemption from closure and financial responsibility for Chlorofluorocarbon (CFC) Recyclers (federal). An oversight prevented this deletion from taking place in 2004.
- Modifying pre-permit siting criteria for treatment, storage, disposal, and recycling (TSDR) facilities. Recycling facilities will be exempt from siting criteria in limited circumstances.

## **Comparison of the current and proposed rules**

### **Current rule requirements**

The dangerous waste rules include waste management standards for generators of dangerous waste and for facilities that treat, store, dispose, or recycle those wastes. The rules combine federal and state requirements. Washington is authorized by EPA to implement the federal hazardous waste program. This means the state rule must be consistent with and no less stringent than the federal rules.

The current rule requirements addressed in this analysis include:

- The exemption of chlorofluorocarbon (CFC) recyclers from closure and financial assurance. An oversight prevented this deletion from taking place in the 2004.
- Active landfills and surface impoundments that store, treat, or dispose of dangerous waste are not required to include exposure information on their Part B Permit application.

### **Description of proposed changes**

Two rule changes will add costs only to large businesses.

#### **Financial Assurance Requirements for CFC Recyclers**

The first change will require CFC recyclers to have financial assurance. There is currently only one CFC recycler in Washington and this facility has 129 employees. To be conservative, Ecology uses the worst-case scenario in that this facility will have to guarantee \$43,000 and pay four percent, per year, which will cost them \$1,720 annually, \$13 per employee. Ecology estimates that this facility will not lose sales or revenue due to this requirement.

## Permit Application Public Exposure Information

The second rule change requires active landfills or surface impoundments that store, treat, or dispose of dangerous waste to include public exposure information on their Part B Permit application. There is only one active landfill in Washington that will potentially be affected. This facility has 1,180 employees. Ecology estimates that this requirement will only add additional professional services. A risk assessment would be conducted by the facility's consulting firm and is estimated at \$100,000, \$85 per employee. Ecology estimates that this facility will not lose sales or revenue. It is already scheduled to close and quickly reaching capacity.

## The NAICS codes for the affected businesses

NAICS CODE	DESCRIPTION
562920	Materials recovery facilities
331312	Primary aluminum productions

## Clarifications to existing rule

There are also extensive minor corrections and clarifications that will make it easier to comply with the dangerous waste rules.

## Exemptions from analysis

Most of the proposed amendments to the dangerous waste rules are to stay current with the federal rules and are therefore exempt from analysis<sup>2</sup>. Many of the other changes to the rule are cost savings and are also exempt because they are not imposing "more than minor costs"<sup>3</sup> but would constitute a cost minimizing feature<sup>4</sup>.

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<sup>2</sup> RCW 19.85.061 and RCW 34.05.310(4)

<sup>3</sup> RCW 19.85.030(1)

<sup>4</sup> RCW 19.85.030



## Dangerous Waste Regulations - Chapter 173-303 WAC Amendments List for Economic Analysis

Updated Supplement to Cost/Benefit Analysis and Small Business Economic Impact Statement- June 2007

**Table 1. Codes for Economic Analysis**

Generators or TSDs	Requirements	
	<i>Federal</i>	<i>State</i>
<i>Federal</i>	FF*	SF
<i>State Only</i>	FS	SS

\*Note that a federal requirement that affects generators of federally regulated hazardous waste is exempt from economic analysis in accordance with 34.05.328 and 19.85.

**Table 2. Codes for Compliance Criteria**

Code	Explanation
NA	Analysis Not Required
#	Numbering
E	Edit Only
K	Clarification
CS	Cost Savings
Q	Analysis Required
Z	Consistency
N	Necessary to Retain Existing Rule

**Table 3. Analysis of provisions being proposed for adoption**

<b>WAC 173-303- Amended Section (Proposed)</b>	<b>Federal Requirement (Abbreviated Rule Name)</b>	<b>Notes</b>	<b>Federal or State Requirement Codes</b>	<b>34.05.328 and 19.85 Compliance Criteria</b>	<b>Explanation of changes and analysis needed</b>
<b>FEDERAL RULES BEING ADOPTED</b>					
070(8)(c)	Used Oil		FF	NA	Federal Requirement- exempt
515(3) IBR	Used Oil		FF	NA	Federal Requirement- exempt
515(11) IBR	Used Oil		FF	NA	Federal Requirement- exempt
691(1)(g)	NESHAPS		FF	NA	Federal Requirement- exempt
400(3)(a)	NESHAPS		FF	NA	Federal Requirement- exempt
071(3)(kk)(i)	Dyes and Pigments		FF	NA	Federal Requirement- exempt
071(3)(kk)(iii)	Dyes and Pigments		FF	NA	Federal Requirement- exempt
071(3)(kk)(v)	Dyes and Pigments		FF	NA	Federal Requirement- exempt
140(2)(a)	Dyes and Pigments		FF	NA	Federal Requirement- exempt
9904(1) & (2)	Dyes and Pigments		FF	NA	Federal Requirement- exempt- .
9905	Dyes and Pigments		FF	NA	Federal Requirement- exempt
040 Definitions	Manifest Rule		FF, FS	NA	Federal Requirement- exempt- the manifest requirements apply to all generators regardless of whether they have federally regulated waste or state-only waste. EPA created a new form that all generators are required to use and states are required to adopt all of the rule since it was put out by both EPA and Department of Transportation to ensure that all states are manifesting wastes the same way.
Designated Facility	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
Manifest	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
Manifest tracking number	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
160(2)(a)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Notes	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
180	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
180(7)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
180(8)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
190(3)(b)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
190(4)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
200(6)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
230(1)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
230(2)(c)(d)(e)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
180(1)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
250(1) & (9)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
250(6)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
370(1) – (8)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
390(1)	Manifest Rule		FF, FS	NA	Federal Requirement- exempt
083(2)(b)(iii)(A)	SW-846		FF	NA, N	Federal Rule- not being adopted. EPA no longer requires the use of SW-846. We are retaining the requirement to use these test methods. Rule changes are necessary to clarify that we are not adopting the federal rule.
083(2)(b)(iii)(B)	SW-846		FF	NA, N	Federal Rule- not being adopted
090(5)(a)(i)	SW-846		FF	NA, N	Federal Rule- not being adopted
110(3) (d)	SW-846		FF	NA, N	Federal Rule- not being adopted
110(3)(f)	SW-846		FF	NA, N	Federal Rule- not being adopted
110(3)(g)	SW-846		FF	NA, N	Federal Rule- not being adopted
140(2)(a)(i)	SW-846		FF	NA, N	Federal Rule- not being adopted
140(4)(b)(iii)	SW-846		FF	NA, N	Federal Rule- not being adopted
300(5)(f)	SW-846		FF	NA, N	Federal Rule- not being adopted
380(1)(c) and (f)	SW-846		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xiii)	SW-846		FF	NA, N	Federal Rule- not being adopted
515(10)	SW-846		FF	NA, N	Federal Rule- not being adopted
515(13)	SW-846		FF	NA, N	Federal Rule- not being adopted

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Notes	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
515(3)	SW-846		FF	NA, N	Federal Rule- not being adopted
515(4)	SW-846		FF	NA, N	Federal Rule- not being adopted
515(8)	SW-846		FF	NA, N	Federal Rule- not being adopted
515(9)	SW-846		FF	NA, N	Federal Rule- not being adopted
640(1)(b)	SW-846		FF	NA, N	Federal Rule- not being adopted
645(4)(a)&(b)	SW-846		FF	NA, N	Federal Rule- not being adopted
645(9)(g)(ii),(iii),&(iv)(A)	SW-846		FF	NA, N	Federal Rule- not being adopted
645(10)(g)	SW-846		FF	NA, N	Federal Rule- not being adopted
64610(4)	SW-846		FF	NA, N	Federal Rule- not being adopted
690(2)	SW-846		FF	NA, N	Federal Rule- not being adopted
690(3)	SW-846		FF	NA, N	Federal Rule- not being adopted
806(4)(f)(iii)(A)(III)	SW-846		FF	NA, N, K	Federal Rule- not being adopted
806(4)(xx)(D)(II)	SW-846		FF	NA, N, K	Federal Rule- not being adopted
807(2)(a)(iii)	SW-846		FF	NA, N	Federal Rule- not being adopted
910(2)(d)	SW-846		FF	NA, N	Federal Rule- not being adopted
040 Definitions	UW Mercury		FF	NA	Federal Requirement- exempt We already had this category of universal waste in our rules, but we need to make changes because EPA finalized their rule after we adopted our version in 2005 that was based on EPA's proposed rule.
Mercury-containing equipment	UW Mercury		FF	NA	Federal Requirement- exempt
Universal waste	UW Mercury		FF	NA	Federal Requirement- exempt
Ampule	UW Mercury		FF	NA	Federal Requirement- exempt
Large quantity handler	UW Mercury		FF	NA	Federal Requirement- exempt
Small quantity handler	UW Mercury		FF	NA	Federal Requirement- exempt
077(2)	UW Mercury		FF	NA	Federal Requirement- exempt
600(3)(o)(ii)	UW Mercury		FF	NA	Federal Requirement- exempt
400(2)(c)(xi)(B)	UW Mercury		FF	NA	Federal Requirement- exempt
140(2)(a)	UW Mercury		FF	NA	Federal Requirement- exempt

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Notes	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
573(4)(d) deleted	UW Mercury		FF	NA	Federal Requirement- exempt
573(1)(a)(ii)	UW Mercury		FF	NA	Federal Requirement- exempt
573(3)(b)(ii)&(iii)	UW Mercury		FF	NA	Federal Requirement- exempt
573(9)(b)(i)-(iv)	UW Mercury		FF	NA	Federal Requirement- exempt
573(10)(b) (i)&(ii)	UW Mercury		FF	NA	Federal Requirement- exempt
573(19)(b)(iv)&(v)	UW Mercury		FF	NA	Federal Requirement- exempt
573(20)(b)(i)-(iv)	UW Mercury		FF	NA	Federal Requirement- exempt
573(21)(b)(i)&(ii)	UW Mercury		FF	NA	Federal Requirement- exempt
800(7)(c)(iii)(B)	UW Mercury		FF	NA	Federal Requirement- exempt
110(3)(g)(viii)	NESHAPS		FF	NA	Federal Requirement- exempt
400(3)(a)	NESHAPS		FF	NA	Federal Requirement- exempt
510(1)(a)	NESHAPS		FF	NA	Federal Requirement- exempt
670(1)(b)(i)	NESHAPS		FF, FS	NA, K, E	Federal Requirement- some of these requirements could apply to facilities that manage state-only wastes, but the requirements themselves don't add costs.
670(1)(b)(v)	NESHAPS		FF, FS	NA, K	Federal Requirement
806(17)	NESHAPS		FF	NA	Federal Requirement- exempt
806(4) (j)(iv)(C)	NESHAPS		FF	NA	Federal Requirement- exempt
806(4) (k)(v)(C)	NESHAPS		FF	NA	Federal Requirement- exempt
806(4)(f)(v)	NESHAPS		FF	NA	Federal Requirement- exempt
807	NESHAPS		FF	NA	Federal Requirement- exempt
811	NESHAPS		FF, FS	NA, K	Federal Requirement
815(2)(b)(iii)	NESHAPS		FF, FS	NA, K	Federal Requirement
840	NESHAPS		FF	NA	Federal Requirement- exempt
840(4)(j)(i)	NESHAPS		FF	NA	Federal Requirement- exempt
840(4)(j)(ii)	NESHAPS		FF	NA	Federal Requirement- exempt
840(4)(j)(iii)	NESHAPS		FF	NA	Federal Requirement- exempt
840(4)(k)	NESHAPS		FF	NA	Federal Requirement- exempt
841	NESHAPS		FF	NA	Federal Requirement- exempt

<b>WAC 173-303- Amended Section (Proposed)</b>	<b>Federal Requirement (Abbreviated Rule Name)</b>	<b>Notes</b>	<b>Federal or State Requirement Codes</b>	<b>34.05.328 and 19.85 Compliance Criteria</b>	<b>Explanation of changes and analysis needed</b>
017(5)(b)(ii)(B)	Burden Reduction		FF, FS	NA, E	Federal Requirement
017(5)(b)(ii)(B) - (G)	Burden Reduction		FF, FS	NA, E	Federal Requirement
040 Definition	Burden Reduction				
Performance Track member facility	Burden Reduction		FF, FS	NA	Federal Requirement- new definition
140(2)(c)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
140(2)(d)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
140(2)(e)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
140(2)(f)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
140(4)(b)(i)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
140(4)(b)(v)	Burden Reduction		FF	NA, E	Federal Rule
350(2)	Burden Reduction		FF, FS	CS	Federal Rule
400(3)(c)(xiii)(B)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted. Several sub-sub-sub sections are not listed because the only change being made to them was to move them so that they are in the same order they appear in the federal rules. So any 400(3)(c) citations that are struck out or underlined in the draft rules that are not listed here were moved/reordered.
400(3)(c)(ix)(B)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(C)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(D)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(E)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(G)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(H)&(I)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(J)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(K)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(L)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(ix)(L)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted

<b>WAC 173-303- Amended Section (Proposed)</b>	<b>Federal Requirement (Abbreviated Rule Name)</b>	<b>Notes</b>	<b>Federal or State Requirement Codes</b>	<b>34.05.328 and 19.85 Compliance Criteria</b>	<b>Explanation of changes and analysis needed</b>
400(3)(c)(v)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(v)(B)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(v)(D)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(v)(E)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(vi)(C)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(vi)(D)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(vi)(E)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(vii)(C)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(vii)(D)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(vii)(E)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(viii)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(x)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xi)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xii)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xviii)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xviii)(B)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xviii)(C)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xviii)(D)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xviii)(E)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xviii)(F)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xx)(A)&(B)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xx)(C)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xx)(C)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xxii)(A)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
400(3)(c)(xxii)(B)	Burden Reduction		FF	NA, N	Federal Rule- not being adopted
640(4)(a)(ii),(iii),&(iv)	Burden Reduction		FF, FS	NA, E	Federal Requirement
640(4)(a)(ii)	Burden Reduction		FF, FS	NA, E	Federal Requirement
640(4)(a)(i)	Burden Reduction		FF, FS	NA, E	Federal Requirement
640(4)(i)(ii)	Burden Reduction		FF, FS	NA, N	Federal Rule- not being adopted
645(9)(d)	Burden Reduction		FF, FS	CS	Federal Requirement
645(9)(g)(ii)	Burden Reduction		FF, FS	CS	Federal Requirement
645(9)(g)(iii)	Burden Reduction		FF, FS	CS	Federal Requirement

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Notes	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
645(10)(f)	Burden Reduction		FF, FS	CS	Federal Requirement
645(10)(g)	Burden Reduction		FF, FS	CS	Federal Requirement
660(2)(j)	Burden Reduction		FF, FS	NA, E	Federal Requirement
670(4)(a)(ii)	Burden Reduction		FF	NA	Federal Requirement- exempt
695	Burden Reduction		FF	NA	Federal Requirement- exempt
040 Definitions	CFR Corrections			NA, E	Federal Requirement
Incompatible Waste	CFR Corrections		FF, FS	NA, E	Federal Requirement
Personnel or facility personnel	CFR Corrections		FF, FS	NA, E	Federal Requirement
071(3)(aa)(ii)	CFR Corrections		FF	NA, E	Federal Requirement- examples added
071(3)(g)(i)	CFR Corrections		FF	NA, E	Federal Requirement
082(4)	CFR Corrections		FF	NA, E	Federal Requirement
140(4)(b)(v)(B)	CFR Corrections		FF, FS	NA, E	Federal Requirement
140(2)(a)	CFR Corrections		FF	NA, E	Federal Requirement
200 (1)(b) (i) -(iv)	CFR Corrections		FF, FS	NA, E	Federal Requirement
300(5)(h)(iii)(B)	CFR Corrections		FF, FS	NA, E	Federal Requirement
310(2)(b)	CFR Corrections		FF, FS	NA, E	Federal Requirement
380(2)(c)	CFR Corrections		FF	NA, E	Federal Requirement
400(2)(c)(ii)	CFR Corrections		FF, FS	NA, K	Federal Requirement
645(10)(h)	CFR Corrections		FF, FS	NA, E	Federal Requirement
645(9)(g)(iv)(A)	CFR Corrections		FF	NA, E	Federal Requirement
640(4) (e)(ii)(E)(II)	CFR Corrections		FF	NA, E	Federal Requirement
645(8)(a)(i)	CFR Corrections		FF, FS	NA, E	Federal Requirement
645(8)(a)(i)(A)	CFR Corrections		FF, FS	NA, E	Federal Requirement
655(12)	CFR Corrections		FF	NA, E	Federal Requirement
650(2)(j)(i)(B)	CFR Corrections		FF, FS	NA, E	Federal Requirement
650(2)(j)(iii)(B)	CFR Corrections		FF, FS	NA, E	Federal Requirement
040 definition for Underground source of drinking water (650(2)(l)(ii)(B))	CFR Corrections		FF, FS	NA, E	Federal Requirement
665(11)	CFR Corrections		FF, FS	NA, E	Federal Requirement

<b>WAC 173-303- Amended Section (Proposed)</b>	<b>Federal Requirement (Abbreviated Rule Name)</b>	<b>Notes</b>	<b>Federal or State Requirement Codes</b>	<b>34.05.328 and 19.85 Compliance Criteria</b>	<b>Explanation of changes and analysis needed</b>
665(8)(a)	CFR Corrections		FF, FS	NA, E	Federal Requirement
665(8)(b)	CFR Corrections		FF, FS	NA, E	Federal Requirement
665(2)(k)(ii)(B)	CFR Corrections		FF, FS	NA, E	Federal Requirement
675(4)(a)(i)	CFR Corrections		FF, FS	NA, E	Federal Requirement-changed to state citation
675(4)(a)(iv)(A)	CFR Corrections		FF, FS	NA, E	Federal Requirement
675(4)(b)	CFR Corrections		FF, FS	NA, E	Federal Requirement
675(4)(m)(ii) & (iii)	CFR Corrections		FF, FS	NA, E	Federal Requirement
690(1)(c)	CFR Corrections		FF	NA, E	Federal Requirement
692(1)(c)	CFR Corrections		FF	NA, E	Federal Requirement
806(12)	CFR Corrections		FF, FS	Q,	Federal Requirement- this subsection was missing from our rules. It had been in an earlier version but was deleted.
806(4)(g)(viii)(B)	CFR Corrections		FF	NA	Federal Requirement- (A), - (D) all had to be added
830(3)(c)	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I F.2.	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I C.4.	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I C.6.	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I H.6.	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I C.7.	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I C.7.	CFR Corrections		FF, FS	NA, E	Federal Requirement
830 Appendix I C.8.	CFR Corrections		FF, FS	NA, E	Federal Requirement
9903 P045	CFR Corrections		FF	NA, E	Federal Requirement
9903 P194	CFR Corrections		FF	NA, E	Federal Requirement
9903 Comment expanded	CFR Corrections		FF	NA, K	Federal Requirement
9903 Numerical list added	CFR Corrections		FF	NA	Federal Requirement
9903 U227 Added	CFR Corrections		FF	NA	Federal Requirement
9904 Footnote Added to "F" waste	CFR Corrections		FF	NA, E	Federal Requirement
9904 K107	CFR Corrections		FF	NA, E	Federal Requirement

WAC 173-303- Amended Section (Proposed)	Change proposed	Notes	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
<b>STATE INITIATED RULE AMENDMENT, CORRECTION, CLARIFICATION, or NEEDED FOR CONSISTENCY WITH FEDERAL RULES</b>					
30	Add new acronyms (PODC, DRE, APTI, MACT, TEQ, CAMU, TU)		SS, SF	NA, K	Improve clarity of rule.
40	Closure- update to reflect closure guidance		SS, SF	NA, K, Z	Clarification that closure is required by others besides TSDs.
40	Compliance Procedure- remove the dates		SS, SF	NA, E	Updated by removing only the years that were cited (rather than including all years). Added the name of the second chapter that was cited only by number and not title.
40	Inhalation LC <sub>50</sub> definition added		SS	NA, Z	Definition moved from section 100.
40	Dermal LD <sub>50</sub> definition modified to Dermal Rabbit LD <sub>50</sub>		SS	NA, K	Modified for consistency with Toxic Category Table in WAC 173-303-100(5).
40	Oral LD <sub>50</sub> definition modified to Oral Rat LD <sub>50</sub>		SS	NA, K	Modified for consistency with Toxic Category Table in WAC 173-303-100(5).
40	Person		FF, FS	NA, Z	Updated to correlate to federal rule.
40	Staging Pile- Add "must be designated by the director" CL 175		FF	NA, Z	Updated to correlate to the federal requirement.
40	Surface Impoundment- Change language to reflect federal definition then submit SR1 for authorization		FF, FS	NA, Z	The word "dangerous" deleted for consistency with federal rule and authorization (SR1).
070(7)(c)	Clarify that counting exclusion applies to PBR		FF, FS	NA, K	Clarification since this has mistakenly been interpreted to apply to TBG units- reference added to 802(5).
070(8)(d)	Used oil burned for energy recovery		FF, FS	NA, #, E	Citations corrected.
071(3)(cc)(ii)	NAICS deletions- 487110, 722310, 425110		FF	NA, K	3 codes are deleted- the codes are for businesses that would not have the type of waste being excluded.
081(1), 081(1)(a), & 082(1)	Link to definition of commercial chemical product for clarity		FF	NA, K	To provide clarity to the regulated community on which waste codes to use.

WAC 173-303- Amended Section (Proposed)	Change proposed	Notes	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
090(5)(a)(i) and (6)(a)(i) & (iii)	ASTM updates		FF	NA, Z	Test method update.
100(2), (3), (5)(b)(i)	Toxicity data sources added		SS	CS	100(5)(b) There are two main reasons for including two additional data sources (ECOTOX and HSDB): 1) RTECS has a major limitation in that it includes <b>no</b> data on aquatic toxicity. Ecology has run into several situations where generators have designated their waste using RTECS only to find the waste would have designated if fish toxicity had been used. ECOTOX has extensive aquatic toxicity (along with much of the same data as in RTECS). HSDB has both types of toxicity although perhaps not in as much detail. HSDB has a lot of other information which may be of use such as PBT status. 2) Both ECOTOX and HSDB are free. Allowing the use of these other sources means that generators don't have to pay hundreds of dollars a year for access to RTECS and can access both over the Internet.
100(5)(c)(i)&(ii)	Delete reference to category D and category range		SS	E	Unnecessary phrase- a remnant of earlier requirements.
104(5) & 180(5)	Delete lab pack codes- conflict with new manifest rule		SS, SF	NA, Z	Lab pack codes are no longer allowed on manifests and should not be used.
110(2)(a), (2)(a)(vi), (2)(b), (3)(a), (3)(e), (3)(g), &(3)(h)	ASTM updates, corrections, & clarifications		FF, FS, SS, SF	NA, Z	110(2) Reference to the AC&D liquid sampler was removed because the type of samplers that can be used to sample waste streams was expanded to include any device in the ASTM method <u>as long as the method is appropriate to the waste type</u> . The AC& D sampler is one of the devices allowed in the ASTM method so it was no longer necessary to call out that specific device and that specific company.

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110(3)(b)	Biological Test Methods Update		SS	CS	Eliminated the need for generators to submit waste for bioassay to do % solid determinations. Typically % solid determinations wouldn't cost much (probably less than \$25 per sample) but it means the generators don't have to purchase or maintain equipment, SOPs for the procedure, train staff, etc. and could probably reduce staff slightly.
110(3)(g)(x)	Duplicate deleted [see (vii)] CL 154 & 158		FF	NA, E	
110(5)	Clarify requirement to submit petition for alternate test method		FF, FS	NA, K, Z	"May" was changed to "must", the word "testing" was removed, and a citation to section 110 test methods was added to clarify that anyone interested in alternate test methods must use the petition process.
120(4)(c)	Correct second (c)(vii) to (c)(vix)		FF, FS	NA, E	Citation corrected.
140(4)(b)(iii)	Correct test method references		FF, FS	NA, E	
140(4)(b)(iv)(B)	Updated for ASTM		FF, FS	NA, E	Test method update.
145(2)(b)	Add local air authorities in eastern Washington		SS, SF	NA, E	This change reflects the presence of local air authorities in eastern Washington.
200(1)(b)(ii) & (iii)	See 640 and 675 for "stress of installation"		FF, FS	NA, E	This phrase was deleted at 200 and added at 640 & 675.
200(4)(a)(iv)(A)(II)	See 640 and 675 for "stress of installation"		FF, FS	NA, E	This phrase was deleted at 200 and added at 640 & 675.
200(1)(b)(iv)	Correct the references		FF, FS	NA, E	Existing references at (B) are to state citations for closure and financial assurance. However, since generators are following the federal rules that have been IBR, a sentence is added to substitute the state citations for the federal citations. The word "shall" was changed to "must".
200(2)(a)	Satellite Accumulation		FF, FS	NA, Z	Removed "per waste stream" for federal consistency and authorization by EPA (12).

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270(3)	49 CFR 171.16 reference Reworded at 171.16(b) [1] Submit a written Hazardous Materials Incident Report to the Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590-0001, or an electronic Hazardous Material Incident Report to the Information System Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001 at <a href="http://hazmat.dot.gov">http://hazmat.dot.gov</a> ;		FF, FS	NA, Z	Updated for consistency with federal rule.
281(4)&(5)	Citations corrected from 840 to 830		SS, SF	NA, E	Citations corrected.
282(2)(b)(v)	Exempts recycling facilities from siting criteria		SS, SF	CS-	Revised which recycling facilities are exempt from siting criteria.
282(3)(p)	Clarification		SS, SF	NA, K	Clarifies what is meant by a 25% expansion.
282(4)(a)	Delete obsolete language		SS, SF	NA, E	Obsolete language deleted.
310(1)	Reworded		FF, FS	NA, Z	Reworded to be consistent with federal rule.
380(1)(f)	clarified		FF, FS	NA, K, Z	Noted that the requirements are incorporated by reference.
400(2)(c)(xiv)	Federal language added		FF, FS	NA, Z	For equivalence with federal rule. Consistent with the exclusions for final facilities, industrial waste reference is not included.
400(2)(c)(xv)	Federal language added		FF, FS	NA, Z	For equivalence with federal rule.

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400(3)(c)(iv) [moved from (3)(c)(x)]	Reference regarding Subpart B modified as it applies only to 265.19		FF, FS	NA, Z, E	This was moved and modified to clarify that not all of subpart B needs to be referenced because interim status facilities are required to comply with WAC 173-303-290 for facility standards (see -400(3)(a)(i)).
505(1)(b)(iv)	Delete "v"		FF, FS	NA, E	Citation corrected
506(3)(vii)	CFC delete exception from closure plan, etc		SS, SF	Q, Z It was an oversight during the previous rulemaking not to require CFC recyclers from the requirements	The exemption from closure and financial responsibility requirements is being deleted. An oversight prevented this deletion from taking place in 2004 as part of the Hazardous Waste Facility Initiative that required closure and financial responsibility for used oil and recycling facilities.
510(1)(b)(i)(B)	Correct internal citation		SS	NA, E	100(6)(a)&(b) corrected.
522(4)	Correct reference from 24 hour recycling to immediate recycling		SS, SF	NA, E, Z	Reference corrected for consistency with DW recycling requirements.
610(3)(a)(ix), (3)(b)(ii)(D), (8)(b)(iv), and (8)(d)(ii)(D)	Change (1)(d) to (1)(e)		FF, FS	NA, E	Citation corrected.
610(6) & (11)	Add "qualified" to the certification requirement		FF, FS	NA, E, Z	Consistency with federal rule and other required certifications.
610(12)(e)	Change "resource reclamation units" to 'recycling units"		SS, SF	NA, E	Terminology correction for consistency.
620(1)(e)(ii)	Change "resource reclamation units" to 'recycling units"		SS, SF	NA, E	Terminology correction for consistency.
620(3)(a)(v)	Added clarification that closure cost estimate can not be reduced for net present value, etc.			NA, K	Clarification.
620(3)(c)(iv)	Add corporate guarantors (see 620(6)(a)(vi))		FF, FS	NA, K	This clarifies that corporate guarantors are also subject to the \$20M.

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620(4)(c), 620(4)(e)(i) & 620(4)(f)	New financial instrument- "assigned security deposit" for used oil processors and recyclers			CS	New option for financial assurance- applies to used oil processors and recyclers only (not TSDs).
620(4)(d)(i)	Add "used oil" to clarify that trust funds can be used by UO processors and recyclers		SS, SF	NA	Clarification that used oil processors may use partially funded trust funds.
620(4)(g)	Clarification that financial assurance must not be less than the cost estimate and that financial assurance may not be reduced for net present value, etc.			NA, K	Clarification.
620(5)(c), 620(5)(d), & 620(7)	Add hyphen to post-closure			NA, E	Edit.
640(4)(c)(i) & 675(4)(a)(v)	Add "stress of installation" (moved from 200) Deleted now that it has been added to 640 and 675		FF, FS	NA, E, Z	This federal requirement is being moved to tanks and drip pads sections (640 & 675), and deleted from 200(1)(b) & (4)(a). Reference was added to section 200 during the previous rulemaking since language did not already exist in sections 640 and 675. It was too late in the previous rulemaking to add it to 640 so it was temporarily added to 200.
64660(3)(d)(iv)(F)	Modify "SW846" to "SW-846"		SS, SF	NA, Z, E	For consistency
665(13)	Need an analog to 264.314 (used to be at 665(9))		FF, FS	NA, Z	Addition required by EPA for equivalence with the federal rules. This requirement already exists in DW rules in a separate section.
806(2)(a)	Correct citation from 803(4) to 803(3)		FF, FS	NA, E	Citation corrected.
806(4)(h)(iii)	Add federal language		FF, FS	NA, Z- this doesn't change a requirement. It is a statement.	For federal equivalence.

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806(8)	Updated for federal consistency		FF, FS	NA, E, Z	Language updated for consistency with federal rule and authorization (17S).
810(11)(c)	Duplicate provision deleted		FF, FS	NA, E	Provision exists at 810(11)(e).
810(16)	Citation corrected		FF, FS	NA, E	Citation corrected.
830(3)(c)	Add federal language		FF, FS	NA, Z, K- this is more of a statement than a requirement	For federal equivalence.
830(4)(b)(vii)	Correct reference (b)(6)(i) – (ii)		FF, FS	NA, E	Citation corrected.
902	Citizen Proponent Negotiation		SS, SF	NA, Z	This change coincides with changes to 282(2)(b).
910(3)	Petition to exempt waste		FF, FS	NA, E, K	A note was added to clarify that a generator must also petition EPA to delist their waste. Ecology does not have authority to delist federal wastes and must wait for EPA to grant a petition before the state can also grant a petition to exempt a federally listed waste.
Chemical Testing Methods					Revised.
Biological Testing Methods	Revised The citation is 110(3)(b); however there is not a rule amendment since no rule change is necessary.			CS	For the Biological Testing Method guidance, we are eliminating the need for generators submitting waste for bioassay to do % solid determinations. Typically % solid determinations wouldn't cost much (probably less than \$25 per sample) but it means the generators don't have to purchase/maintain equipment, SOPs for the procedure, train staff, etc. and could probably reduce staff slightly as well.

**Used Oil** Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards, July 30, 2003; 68 FR 44659

**Performance Track** National Environmental Performance Track Program; Corrections, October 25, 2004; 69 FR 62217

**NESHAPS** National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks, April 26, 2004; 69 FR 22601

**Dyes and Pigments** Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards February 24, 2005, 70 FR 9137

**Dyes and Pigments** Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards; Correction June 16, 2005 70 FR 35032

**Manifest Rule** Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System March 4, 2005 70 FR 10775

**Manifest Rule** Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction June 16, 2005 70 FR 35034

**SW-846 Test Methods** Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB June 14, 2005 70 FR 34537

**SW-846 Test Methods** Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB August 1, 2005 70 FR 146

**Universal Waste Mercury Equipment** Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment August 5, 2005 70 FR 45507

**NESHAPS** National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) October 12, 2005 70 FR 59402

**Burden Reduction** Resource Conservation and Recovery Act Burden Reduction Initiative April 4, 2006 70 FR 16861

**CFR Corrections** Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations July 14, 2006 70 FR 40253